



I hereby certify that this correspondence is being deposited with the U.S. Postal Service with sufficient postage as First Class Mail, in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date shown below.

Dated: November 20, 2003 Signature: Tram Anh T. Nguyen
(Tram Anh T. Nguyen)

Docket No.: 101327-0126
(PATENT)

#18/C

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of: Edward L. Sinofsky, et al.

Application No.: 09/382,615

Filed: August 25, 1999

For: MANEUVERABLE OPTICAL FIBER DEVICE
FOR CARDIAC PHOTOABLATION

Art Unit: 3739

Examiner: D. Shay

AMENDMENT IN RESPONSE TO NON-FINAL OFFICE ACTION

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

RECEIVED
DEC 05 2003
TECHNOLOGY CENTER R3700

INTRODUCTORY COMMENTS

In response to the Office Action dated May 20, 2003 (Paper No. 15), please amend the above-identified U.S. patent application as follows:

Amendments to the Claims are reflected in the listing of claims which begins on page 2 of this paper.

Remarks/Arguments begin on page 7 of this paper.

3739/



PTO/SB/17 (10-03)
Approved for use through 7/31/2006. OMB 0651-0032
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

<h2 style="margin: 0;">FEE TRANSMITTAL</h2> <h3 style="margin: 0;">for FY 2004</h3> <p style="font-size: small; margin: 0;">Effective 10/01/2003, Patent fees are subject to annual revision.</p>				<p>Complete if Known</p> <table border="1" style="width:100%; border-collapse: collapse;"> <tr><td>Application Number</td><td>09/382,615-Conf. #5467</td></tr> <tr><td>Filing Date</td><td>August 25, 1999</td></tr> <tr><td>First Named Inventor</td><td>Edward L. Sinofsky</td></tr> <tr><td>Examiner Name</td><td>D. Shay</td></tr> <tr><td>Art Unit</td><td>3739</td></tr> <tr><td>Attorney Docket No.</td><td>101327-0126</td></tr> </table>				Application Number	09/382,615-Conf. #5467	Filing Date	August 25, 1999	First Named Inventor	Edward L. Sinofsky	Examiner Name	D. Shay	Art Unit	3739	Attorney Docket No.	101327-0126
Application Number	09/382,615-Conf. #5467																		
Filing Date	August 25, 1999																		
First Named Inventor	Edward L. Sinofsky																		
Examiner Name	D. Shay																		
Art Unit	3739																		
Attorney Docket No.	101327-0126																		
<input checked="" type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27																			
TOTAL AMOUNT OF PAYMENT		(\$)		475.00															

<p>METHOD OF PAYMENT (check all that apply)</p> <p> <input checked="" type="checkbox"/> Check <input type="checkbox"/> Credit Card <input type="checkbox"/> Money Order <input type="checkbox"/> Other <input type="checkbox"/> None </p> <p> <input type="checkbox"/> Deposit Account: Deposit Account Number: 141449 Deposit Account Name: Nutter McClennen & Fish LLP </p> <p>The Director is authorized to: (check all that apply)</p> <p> <input type="checkbox"/> Charge fee(s) indicated below <input checked="" type="checkbox"/> Credit any overpayments </p> <p> <input checked="" type="checkbox"/> Charge any additional fee(s) or any underpayment of fee(s) </p> <p> <input type="checkbox"/> Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account. </p>	<p>FEE CALCULATION (continued)</p> <p>3. ADDITIONAL FEES</p> <table border="1" style="width:100%; border-collapse: collapse;"> <thead> <tr> <th colspan="2">Large Entity</th> <th colspan="2">Small Entity</th> <th rowspan="2">Fee Description</th> <th rowspan="2">Fee Paid</th> </tr> <tr> <th>Fee Code</th> <th>Fee (\$)</th> <th>Fee Code</th> <th>Fee (\$)</th> </tr> </thead> <tbody> <tr><td>1051</td><td>130</td><td>2051</td><td>65</td><td>Surcharge - late filing fee or oath</td><td></td></tr> <tr><td>1052</td><td>50</td><td>2052</td><td>25</td><td>Surcharge - late provisional filing fee or cover sheet.</td><td></td></tr> <tr><td>1053</td><td>130</td><td>1053</td><td>130</td><td>Non-English specification</td><td></td></tr> <tr><td>1812</td><td>2,520</td><td>1812</td><td>2,520</td><td>For filing a request for <i>ex parte</i> reexamination</td><td></td></tr> <tr><td>1804</td><td>920*</td><td>1804</td><td>920*</td><td>Requesting publication of SIR prior to Examiner action</td><td></td></tr> <tr><td>1805</td><td>1,840*</td><td>1805</td><td>1,840*</td><td>Requesting publication of SIR after Examiner action</td><td></td></tr> <tr><td>1251</td><td>110</td><td>2251</td><td>55</td><td>Extension for reply within first month</td><td></td></tr> <tr><td>1252</td><td>420</td><td>2252</td><td>210</td><td>Extension for reply within second month</td><td></td></tr> <tr><td>1253</td><td>950</td><td>2253</td><td>475</td><td>Extension for reply within third month</td><td>475.00</td></tr> <tr><td>1254</td><td>1,480</td><td>2254</td><td>740</td><td>Extension for reply within fourth month</td><td></td></tr> <tr><td>1255</td><td>2,010</td><td>2255</td><td>1,005</td><td>Extension for reply within fifth month</td><td></td></tr> <tr><td>1401</td><td>330</td><td>2401</td><td>165</td><td>Notice of Appeal</td><td></td></tr> <tr><td>1402</td><td>330</td><td>2402</td><td>165</td><td>Filing a brief in support of an appeal</td><td></td></tr> <tr><td>1403</td><td>290</td><td>2403</td><td>145</td><td>Request for oral hearing</td><td></td></tr> <tr><td>1451</td><td>1,510</td><td>1451</td><td>1,510</td><td>Petition to institute a public use proceeding</td><td></td></tr> <tr><td>1452</td><td>110</td><td>2452</td><td>55</td><td>Petition to revive - unavoidable</td><td></td></tr> <tr><td>1453</td><td>1,330</td><td>2453</td><td>665</td><td>Petition to revive - unintentional</td><td></td></tr> <tr><td>1501</td><td>1,330</td><td>2501</td><td>665</td><td>Utility issue fee (or reissue)</td><td></td></tr> <tr><td>1502</td><td>480</td><td>2502</td><td>240</td><td>Design issue fee</td><td></td></tr> <tr><td>1503</td><td>640</td><td>2503</td><td>320</td><td>Plant issue fee</td><td></td></tr> <tr><td>1460</td><td>130</td><td>1460</td><td>130</td><td>Petitions to the Commissioner</td><td></td></tr> <tr><td>1807</td><td>50</td><td>1807</td><td>50</td><td>Processing fee under 37 CFR 1.17(q)</td><td></td></tr> <tr><td>1806</td><td>180</td><td>1806</td><td>180</td><td>Submission of Information Disclosure Stmt</td><td></td></tr> <tr><td>8021</td><td>40</td><td>8021</td><td>40</td><td>Recording each patent assignment per property (times number of properties)</td><td></td></tr> <tr><td>1809</td><td>770</td><td>2809</td><td>385</td><td>Filing a submission after final rejection (37 CFR 1.129(a))</td><td></td></tr> <tr><td>1810</td><td>770</td><td>2810</td><td>385</td><td>For each additional invention to be examined (37CFR 1.129(b))</td><td></td></tr> <tr><td>1801</td><td>770</td><td>2801</td><td>385</td><td>Request for Continued Examination (RCE)</td><td></td></tr> <tr><td>1802</td><td>900</td><td>1802</td><td>900</td><td>Request for expedited examination of a design application</td><td></td></tr> </tbody> </table> <p>Other fee (specify) _____</p> <p>*Reduced by Basic Filing Fee Paid</p>	Large Entity		Small Entity		Fee Description	Fee Paid	Fee Code	Fee (\$)	Fee Code	Fee (\$)	1051	130	2051	65	Surcharge - late filing fee or oath		1052	50	2052	25	Surcharge - late provisional filing fee or cover sheet.		1053	130	1053	130	Non-English specification		1812	2,520	1812	2,520	For filing a request for <i>ex parte</i> reexamination		1804	920*	1804	920*	Requesting publication of SIR prior to Examiner action		1805	1,840*	1805	1,840*	Requesting publication of SIR after Examiner action		1251	110	2251	55	Extension for reply within first month		1252	420	2252	210	Extension for reply within second month		1253	950	2253	475	Extension for reply within third month	475.00	1254	1,480	2254	740	Extension for reply within fourth month		1255	2,010	2255	1,005	Extension for reply within fifth month		1401	330	2401	165	Notice of Appeal		1402	330	2402	165	Filing a brief in support of an appeal		1403	290	2403	145	Request for oral hearing		1451	1,510	1451	1,510	Petition to institute a public use proceeding		1452	110	2452	55	Petition to revive - unavoidable		1453	1,330	2453	665	Petition to revive - unintentional		1501	1,330	2501	665	Utility issue fee (or reissue)		1502	480	2502	240	Design issue fee		1503	640	2503	320	Plant issue fee		1460	130	1460	130	Petitions to the Commissioner		1807	50	1807	50	Processing fee under 37 CFR 1.17(q)		1806	180	1806	180	Submission of Information Disclosure Stmt		8021	40	8021	40	Recording each patent assignment per property (times number of properties)		1809	770	2809	385	Filing a submission after final rejection (37 CFR 1.129(a))		1810	770	2810	385	For each additional invention to be examined (37CFR 1.129(b))		1801	770	2801	385	Request for Continued Examination (RCE)		1802	900	1802	900	Request for expedited examination of a design application	
Large Entity		Small Entity		Fee Description	Fee Paid																																																																																																																																																																														
Fee Code	Fee (\$)	Fee Code	Fee (\$)																																																																																																																																																																																
1051	130	2051	65	Surcharge - late filing fee or oath																																																																																																																																																																															
1052	50	2052	25	Surcharge - late provisional filing fee or cover sheet.																																																																																																																																																																															
1053	130	1053	130	Non-English specification																																																																																																																																																																															
1812	2,520	1812	2,520	For filing a request for <i>ex parte</i> reexamination																																																																																																																																																																															
1804	920*	1804	920*	Requesting publication of SIR prior to Examiner action																																																																																																																																																																															
1805	1,840*	1805	1,840*	Requesting publication of SIR after Examiner action																																																																																																																																																																															
1251	110	2251	55	Extension for reply within first month																																																																																																																																																																															
1252	420	2252	210	Extension for reply within second month																																																																																																																																																																															
1253	950	2253	475	Extension for reply within third month	475.00																																																																																																																																																																														
1254	1,480	2254	740	Extension for reply within fourth month																																																																																																																																																																															
1255	2,010	2255	1,005	Extension for reply within fifth month																																																																																																																																																																															
1401	330	2401	165	Notice of Appeal																																																																																																																																																																															
1402	330	2402	165	Filing a brief in support of an appeal																																																																																																																																																																															
1403	290	2403	145	Request for oral hearing																																																																																																																																																																															
1451	1,510	1451	1,510	Petition to institute a public use proceeding																																																																																																																																																																															
1452	110	2452	55	Petition to revive - unavoidable																																																																																																																																																																															
1453	1,330	2453	665	Petition to revive - unintentional																																																																																																																																																																															
1501	1,330	2501	665	Utility issue fee (or reissue)																																																																																																																																																																															
1502	480	2502	240	Design issue fee																																																																																																																																																																															
1503	640	2503	320	Plant issue fee																																																																																																																																																																															
1460	130	1460	130	Petitions to the Commissioner																																																																																																																																																																															
1807	50	1807	50	Processing fee under 37 CFR 1.17(q)																																																																																																																																																																															
1806	180	1806	180	Submission of Information Disclosure Stmt																																																																																																																																																																															
8021	40	8021	40	Recording each patent assignment per property (times number of properties)																																																																																																																																																																															
1809	770	2809	385	Filing a submission after final rejection (37 CFR 1.129(a))																																																																																																																																																																															
1810	770	2810	385	For each additional invention to be examined (37CFR 1.129(b))																																																																																																																																																																															
1801	770	2801	385	Request for Continued Examination (RCE)																																																																																																																																																																															
1802	900	1802	900	Request for expedited examination of a design application																																																																																																																																																																															

<p>FEE CALCULATION</p>																																																																	
<p>1. BASIC FILING FEE</p> <table border="1" style="width:100%; border-collapse: collapse;"> <thead> <tr> <th colspan="2">Large Entity</th> <th colspan="2">Small Entity</th> <th rowspan="2">Fee Description</th> <th rowspan="2">Fee Paid</th> </tr> <tr> <th>Fee Code</th> <th>Fee (\$)</th> <th>Fee Code</th> <th>Fee (\$)</th> </tr> </thead> <tbody> <tr><td>1001</td><td>770</td><td>2001</td><td>385</td><td>Utility filing fee</td><td></td></tr> <tr><td>1002</td><td>340</td><td>2002</td><td>170</td><td>Design filing fee</td><td></td></tr> <tr><td>1003</td><td>530</td><td>2003</td><td>265</td><td>Plant filing fee</td><td></td></tr> <tr><td>1004</td><td>770</td><td>2004</td><td>385</td><td>Reissue filing fee</td><td></td></tr> <tr><td>1005</td><td>160</td><td>2005</td><td>80</td><td>Provisional filing fee</td><td></td></tr> </tbody> </table> <p style="text-align: right;">SUBTOTAL (1) (\$) 0.00</p>						Large Entity		Small Entity		Fee Description	Fee Paid	Fee Code	Fee (\$)	Fee Code	Fee (\$)	1001	770	2001	385	Utility filing fee		1002	340	2002	170	Design filing fee		1003	530	2003	265	Plant filing fee		1004	770	2004	385	Reissue filing fee		1005	160	2005	80	Provisional filing fee																					
Large Entity		Small Entity		Fee Description	Fee Paid																																																												
Fee Code	Fee (\$)	Fee Code	Fee (\$)																																																														
1001	770	2001	385	Utility filing fee																																																													
1002	340	2002	170	Design filing fee																																																													
1003	530	2003	265	Plant filing fee																																																													
1004	770	2004	385	Reissue filing fee																																																													
1005	160	2005	80	Provisional filing fee																																																													
<p>2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE</p> <table border="1" style="width:100%; border-collapse: collapse;"> <thead> <tr> <th colspan="2"></th> <th>Extra Claims</th> <th>Fee from below</th> <th>Fee Paid</th> </tr> </thead> <tbody> <tr> <td>Total Claims</td> <td>-20** =</td> <td></td> <td>x</td> <td></td> </tr> <tr> <td>Independent Claims</td> <td>-3** =</td> <td></td> <td>x</td> <td></td> </tr> <tr> <td>Multiple Dependent</td> <td></td> <td></td> <td></td> <td></td> </tr> </tbody> </table> <table border="1" style="width:100%; border-collapse: collapse;"> <thead> <tr> <th colspan="2">Large Entity</th> <th colspan="2">Small Entity</th> <th rowspan="2">Fee Description</th> <th rowspan="2">Fee Paid</th> </tr> <tr> <th>Fee Code</th> <th>Fee (\$)</th> <th>Fee Code</th> <th>Fee (\$)</th> </tr> </thead> <tbody> <tr><td>1202</td><td>18</td><td>2202</td><td>9</td><td>Claims in excess of 20</td><td></td></tr> <tr><td>1201</td><td>86</td><td>2201</td><td>43</td><td>Independent claims in excess of 3</td><td></td></tr> <tr><td>1203</td><td>290</td><td>2203</td><td>145</td><td>Multiple dependent claim, if not paid</td><td></td></tr> <tr><td>1204</td><td>86</td><td>2204</td><td>43</td><td>** Reissue independent claims over original patent</td><td></td></tr> <tr><td>1205</td><td>18</td><td>2205</td><td>9</td><td>** Reissue claims in excess of 20 and over original patent</td><td></td></tr> </tbody> </table> <p style="text-align: right;">SUBTOTAL (2) (\$) 0.00</p> <p style="font-size: x-small;">**or number previously paid, if greater; For Reissues, see above</p>								Extra Claims	Fee from below	Fee Paid	Total Claims	-20** =		x		Independent Claims	-3** =		x		Multiple Dependent					Large Entity		Small Entity		Fee Description	Fee Paid	Fee Code	Fee (\$)	Fee Code	Fee (\$)	1202	18	2202	9	Claims in excess of 20		1201	86	2201	43	Independent claims in excess of 3		1203	290	2203	145	Multiple dependent claim, if not paid		1204	86	2204	43	** Reissue independent claims over original patent		1205	18	2205	9	** Reissue claims in excess of 20 and over original patent	
		Extra Claims	Fee from below	Fee Paid																																																													
Total Claims	-20** =		x																																																														
Independent Claims	-3** =		x																																																														
Multiple Dependent																																																																	
Large Entity		Small Entity		Fee Description	Fee Paid																																																												
Fee Code	Fee (\$)	Fee Code	Fee (\$)																																																														
1202	18	2202	9	Claims in excess of 20																																																													
1201	86	2201	43	Independent claims in excess of 3																																																													
1203	290	2203	145	Multiple dependent claim, if not paid																																																													
1204	86	2204	43	** Reissue independent claims over original patent																																																													
1205	18	2205	9	** Reissue claims in excess of 20 and over original patent																																																													
<p style="text-align: right;">SUBTOTAL (3) (\$) 475.00</p>																																																																	

<p>SUBMITTED BY</p>				<p>(Complete if applicable)</p>		
Name (Print/Type)	Tram Anh T. Nguyen		Registration No. (Attorney/Agent)	47,257	Telephone	(617) 439-2000
Signature			Date	November 20, 2003		

RECEIVED
DEC 05 2003
TECHNOLOGY CENTER, Rm 200

Fee Transmittal

I hereby certify that this correspondence is being deposited with the U.S. Postal Service with sufficient postage as First Class Mail, in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date shown below.

Dated: November 20, 2003 Signature: (Tram Anh T. Nguyen)